

E-FILED | 4/16/2021 3:41 PM
CC-02-2021-C-112
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

DEREK SNYDER,

Plaintiff,

v.

CIVIL ACTION NO.: 21-C-_____
JUDGE _____

CVS PHARMACY, INC., and
WEST VIRGINIA CVS
PHARMACY, L.L.C.,

Defendants.

COMPLAINT

NOTICE: THERE ARE DISCOVERY REQUESTS FOR CVS PHARMACY, INC., AND WEST VIRGINIA CVS PHARMACY, L.L.C., ATTACHED TO THIS COMPLAINT. IT MUST BE ANSWERED/RESPONDED TO WITHIN FORTY-FIVE (45) DAYS.

COMES NOW, Plaintiff, Derek Snyder (hereinafter "Plaintiff"), by counsel Lawrence M. Schultz, Esquire, of BURKE, SCHULTZ, HARMAN & JENKINSON, and in support of his Complaint against Defendants, CVS Pharmacy, Inc., and West Virginia CVS Pharmacy, L.L.C., (hereinafter "Defendants"), states the following:

1. Plaintiff is a resident of Inwood, Berkeley County, West Virginia.
2. Defendant CVS Pharmacy, Inc., is a Rhode Island corporation licensed and doing business in the State of West Virginia.
3. Defendant West Virginia CVS Pharmacy, L.L.C., is a limited liability corporation licensed and doing business in the State of West Virginia.
4. Jurisdiction is proper under West Virginia Law.

EXHIBIT

tabbies

"A"

5. Venue is appropriate under the West Virginia Code as the incident occurred in Berkeley County, West Virginia.

6. On or about June 13, 2019, Plaintiff was entering the Defendants' Store No. 1308, located at 46 Middleway Pike, Inwood, West Virginia. It was raining heavily and the doors of Defendants' store were stuck open. There was no floor coverings on the floor, no warning signs about the wet floor, and no tapings or markings of any kind.

7. The incident was directly and proximately caused by the negligence of the Defendants in that:

- a. The Defendants failed to properly maintain the entranceway of its store;
- b. The Defendants failed to properly mark the entrance of its store to warn people about the severe weather; and
- c. The Defendants was otherwise negligent as may be shown through discovery in this matter.

8. As a direct and proximate result of the negligence of Defendants, Plaintiff was caused to be injured in and about his body and has and will incur medical expenses for the injuries that he sustained in an amount in excess of \$165,000.00.

9. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered past and future physical pain, temporary and permanent disability and permanent impairment of the ability to enjoy life, as well as past and future emotional distress, mental anguish and permanent disfigurement.

WHEREFORE, for the foregoing reasons, Plaintiff demands the following relief:

- a. Judgment against the Defendants, jointly and severally, in an amount, in excess of the jurisdictional minimum for this Court, to be determined by a jury, plus pre-and post-judgment interest according to law, attorney's fees, and costs of litigation; and,
- b. Such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

DEREK SNYDER

By Counsel

/s/ Lawrence M. Schultz

Lawrence M. Schultz, Esquire
BURKE, SCHULTZ, HARMAN & JENKINSON
WV State Bar No. 4293
P. O. Box 1938
Martinsburg, WV 25402
(304) 263-0900
(304) 263-0469 (fax)